

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:12-CV-805-BO

ARTHUR O. ARMSTRONG,)
Plaintiff,)
v.)
CALVIN WOODARD, et al.,)
Defendants.)

ORDER

This matter comes before the court on pro se plaintiff's motion for leave to appeal the court's order entered on March 29, 2013 [DE 33], a motion for relief pursuant to Fed. R. Civ. P. 60(b) [DE 33-1], a proposed complaint [DE 33-2], and a check in the amount of \$505.00. Plaintiff is subject to a prefiling injunction both in this Court [DE 26] and the Fourth Circuit Court of Appeals [DE 28-1].

Plaintiff's motion for leave to appeal is untimely, *see* Fed. R. App. P. 4(a)(1) and (5), and he has not made the requisite demonstration to reopen the time to appeal, *see* Fed. R. App. 4(a)(6). Accordingly, his motion for leave to appeal is DENIED. Additionally, under the terms of this Court's prefiling injunction [DE 26, ¶2(g)], plaintiff is not permitted to file either the motion for relief pursuant to Fed. R. Civ. P. 60(b) or the proposed complaint. Any relief he seeks in those documents is DENIED.

The Clerk is DIRECTED to return the check to plaintiff. The Clerk is further DIRECTED not to accept any further filings in this case, in accordance with the prefiling injunction [DE 26]. Finally, the Court finds that an appeal from this order would be without merit [DE 26 ¶2(f)].

SO ORDERED, this the 13 day of July, 2022.


TERRENCE W. BOYLE
United States District Judge